



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,549	08/10/2000	Yevgeniy Eugene Shteyn	US000209US	7153

24737 7590 03/03/2009  
PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
----------

LIM, KRISNA

ART UNIT	PAPER NUMBER
----------	--------------

2453

MAIL DATE	DELIVERY MODE
-----------	---------------

03/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/635,549	<b>Applicant(s)</b> SHTEYN, YEVGENIY EUGENE	
	<b>Examiner</b> Krisna Lim	<b>Art Unit</b> 2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-15 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2453

1. Claims 1-15 and 17 are still pending for examination. Claim 16 was canceled.
2. Claims 2-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.  
In claims 2-4, "the appliance" lacks a clear antecedent basis.  
In claim 4, "the apparatus" lacks a clear antecedent basis.
3. The rejection of claims 1-16 under 35 U.S.C § 102(e) as being anticipated by Humpleman et al. [U.S. Patent No. 6,288,716] is respectfully maintained and repeated herewith in the office action.
4. Humpleman et al. anticipated (e.g., see Figs. 1-16) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference disclosed a consumer appliance (a home network having a plurality of home devices, see the abstract, col. 1, lines 21-36) responsive to a user-input for initiating retrieval of data by the consumer appliance from a server under control of a predetermined URL (e.g., see the abstract, col. 2 (line 36) to col. 3 (line 5), col. 4 (lines 33-41), col. 11 (lines 1-21)), the data represented content information about the context of usage of the consumer appliance (col. 7).
5. As to claim 2, Humpleman et al. further anticipated the consumer appliance configured for use on a home network and having an Internet-access functionality (e.g., see the abstract, col. 2 (line 36) to col. 3 (line 5), col. 4 (lines 33-41), col. 11 (lines 1-21)) through the home network, the predetermined URL therefor being stored on the home network.

Art Unit: 2453

6. As to claim 3, Humpleman et al. further anticipated the consumer appliance comprising a memory for storage of the URL (col. 7. col. 11, lines 1-21).

7. As to claim 4, Humpleman et al. further anticipated the consumer appliance, wherein: the consumer appliance has a remote control device (e.g., see col. 1, lines 4-7); and the device has a dedicated button (e.g., see col. 1, lines 45-51, col. 2, lines 39-41) for initiating the retrieval of the data.

8. Claims 5-15 are allowable.

9. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Applicant's arguments filed 11/20/2008 have been fully considered but they are not deemed to be persuasive.

In the remarks, applicants argued in substance that:

a) Humpleman et al. does not suggest initiating retrieval of data by the consumer appliance from a server based on an IP address associated with the home device.

b) Humpleman *et al.* controls the device but fails to teach that the device accesses a server. Simply put, Humpleman *et al.* is a system for "commanding and controlling diverse home devices" while applicant's claimed invention enables a consumer appliance to access a server on the Internet through the home network.

10. In response to paragraphs 9 a) and 9 b) above, Examiner respectfully disagrees because Humpleman clearly discloses the consumer appliance (a home network having a plurality of home devices, see the abstract, col. 1, lines 21-36) having client devices 12 and server devices 14. Humpleman further discloses a human user uses a browser

Art Unit: 2453

in the client devices to communicate with the remote service application "S" in HTML and XML including HTTP server capabilities. Thus, it would have been obvious to one of ordinary skill in the art to recognize that the use of a predetermined URL is obvious in the user interface having a browser for communicating between the client devices and the server devices.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/635,549

Page 5

Art Unit: 2453

KI

February 27, 2009

/Krisna Lim/

Primary Examiner, Art Unit 2453